IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 22750 of 2004

Between:

Jasti Nagiveedu Chowdary, Mallikarjunudu,
C/o. B. Suresh Kumar, D.No. 36-92-242/33/1,
Srinivasa Nagar, Visakhapatnam. ..... PETITIONER

AND

The Municipal Commissioner, Municipal Corporation of
Visakhapatnam, Municipal Corporation Buildings,
Visakhapatnam. .....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, declaring the action of the respondent in interfering with the structures of the building of petitioner situated at D.No. 36-92-242/33/1, Visakhapatnam as highly arbitrary, illegal and violation of Art 14 of Constitution of India and consequentially direct the respondent to follow the due procedure established under Hyderabad Municipal Corporation Act in respect of the building of the petitioner situated at D.No. 36-92-242/33/1, Visakhapatnam.

Counsel for the Petitioner: Mr.T.M.K.CHAITANYA

Counsel for Respondent : Mr.T.S.VENKATARAMANA

The Court at the admission stage, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for Respondent-Corporation and both of them agreed for disposal of the writ petition itself at the stage of admission.

The petitioner, who claims to be owner of property bearing No.36-92-242/33/1, Visakhapatnam, along with others, with a view to develop the property, has applied for construction permission with the respondent Corporation and the respondent-Corporation sanctioned the same vide proceedings dated 2.1.2004. It is stated that when the petitioner is making the construction as per the sanctioned plan, the respondent-Corporation authorities, without issuing any notice, are illegally interfering with the said construction activity. The learned counsel for petitioner also submits that the petitioner is making construction in accordance with the sanctioned plan and has not deviated from the same.

Having regard to the facts and circumstances of the case, if the petitioner is making construction in accordance with the sanctioned plan and has not deviated from it, the respondent-Corporation shall not interfere with the said construction activity of the petitioner. However, this order does not preclude the respondent-Corporation to demolish the structures raised by the petitioner deviating the sanctioned plan.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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N.V.RAMANA, J

Date: 9.12.2004

DA

To

1. The Municipal Commissioner, Municipal Corporation of Visakhapatnam, Municipal Corporation Buildings, Visakhapatnam.
2. One CC to Mr.T.M.K.Chaitanya, Advocate, High Court of A.P., Hyderabad

(OPUC).

3. Two CD copies.